

**ENTERED**

May 17, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DARRYL BEY, TRUSTEE EX. RELATIONE  
DARRYL L. BANKSTON ESTATE,  
*Plaintiff,*

V.

MARILYN BURGESS, ET AL.,  
*Defendants.*

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CIVIL ACTION NO. 4:22cv3862

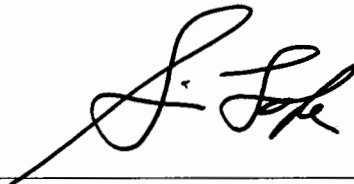
**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated April 28, 2023, (Dkt. 38) and no party having filed objections thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is, therefore, **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this court.

It is further **ORDERED** that Defendants Kim Ogg and Mick Sellergren's Rule 12(b)(6) Motion to Dismiss (Dkt. 16) is **GRANTED** and Plaintiff's claims against Harris County Attorney Kim Ogg and Harris County Assistant District Attorney Mick Sellergren are **DISMISSED WITH PREJUDICE**.

**SIGNED** at Houston, Texas this 17<sup>th</sup> day of May, 2023.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE